



Division of Water

Alaska Clean Water Actions Grants

Nonpoint Source Water Quality Program

Build America, Buy America Requirement

The Build America, Buy America Act (BABA), a component of the Bipartisan Infrastructure Law (BIL), requires that “none of the funds made available for a federal financial assistance program for infrastructure ... may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”

Funding made available by the Alaska Department of Environmental Conservation’s (DEC) Alaska Clean Water Actions (ACWA) grant program includes BABA requirements under certain conditions. If a project includes construction materials that are permanently incorporated in a project, BABA may be implicated and will need to be incorporated into the project plan. Reach out to the DEC ACWA program for more information.



Iron and Steel

- Items that are predominantly iron or steel, unless another standard applies under law or regulation
- All manufacturing process, from the initial melting stage through the application of coatings, must occur in the U.S.



Manufactured Products

Manufactured product was manufactured in the U.S., and the cost of components that are mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components of the manufactured product

Construction Materials (defined in [2 CFR 184.3](#))

Includes:

- Non-ferrous metals
- Glass
- Lumber and engineered wood
- Plastic and polymer-based products (including PVC composite building materials)
- Items made primarily of iron or steel
- Manufactured products

Excludes:

- Cements and cementitious materials
- Aggregates (stone, sand, or gravel)
- Aggregate binding agents/additives
- Non-permanent structures



Definition of “Project”

Any activity related to the construction, alteration, maintenance, or repair of infrastructure in the U.S.

BABA Waivers

Pursuant to Section 70914(c) of the BABA Act, EPA may waive BABA preference for the following:

- Small project costing less than \$250,000
- *De Minimis* up to 5% total project cost
- Public interest
- Nonavailability
- Unreasonable cost

Additional BABA information is available at:

<https://www.epa.gov/cwsrf/build-america-buy-america-baba>

